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INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 30854WO	FOR FURTHER ACTION	See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)
International application No. PCT/IE00/00052	International filing date (day/month/year) 08/05/2000	Priority date (day/month/year) 07/05/1999
International Patent Classification (IPC) or national classification and IPC A61B17/28		
Applicant ANDREWS, Emmet, Joseph, Howard, Peter.		



EPO - DG 1

06 02 2001

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 5 sheets, including this cover sheet.
☒ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).
These annexes consist of a total of 1 sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☒ Certain defects in the international application
- VIII ☒ Certain observations on the international application

Date of submission of the demand 06/11/2000	Date of completion of this report 19.12.2000
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized officer Schreiber, M Telephone No. +49 89 2399 2831 

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/IE00/00052

I. Basis of the report

1. This report has been drawn on the basis of *(substitute sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to the report since they do not contain amendments (Rules 70.16 and 70.17).)*

Description, pages:

1-8 as originally filed

Claims, No.:

10 (part), 11-20 as originally filed

1-9, 10 (part) as received on 06/11/2000 with letter of 19/09/2000

Drawings, sheets:

1/8-8/8 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

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- ☐ the description, pages:
☐ the claims, Nos.:
☐ the drawings, sheets:
5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)):
(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**1. Statement**

Novelty (N)	Yes:	Claims 1-20
	No:	Claims
Inventive step (IS)	Yes:	Claims 1-20
	No:	Claims
Industrial applicability (IA)	Yes:	Claims 1-20
	No:	Claims

**2. Citations and explanations
see separate sheet****VII. Certain defects in the international application**

The following defects in the form or contents of the international application have been noted:
see separate sheet

VIII. Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:
see separate sheet

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/IE00/00052

Re Item V**Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

The document GB 2 198 647 (= document D1) is regarded as being the closest prior art to the subject-matter of claim 1, and shows (the references in parentheses applying to this document):

A surgical forceps of the type comprising a scissors-like implement having a pair of blades (1,2) connected by a pivot joint (3) and extending rearwardly therefrom to form handles (4,5) wherein each handle (4,5) is cranked adjacent the pivot joint (3) so that the handles (4,5) are splayed apart with the blades (1,2) in engagement.

The subject-matter of claim 1 therefore differs from this known forceps in that there is provided means to carry a length of tubing.

The subject-matter of claim 1 is therefore novel (Article 33(2) PCT).

The problem to be solved by the present invention may therefore be regarded as creating a surgical forceps to which a tubing (eg an intercostal chest drain) can be attached so that it lies handy once the blades of the forceps have forced open a channel through which the tubing may be inserted.

The solution to this problem proposed in claim 1 of the present application is considered as involving an inventive step (Article 33(3) PCT) for the following reasons: There is no hint to the distinguishing feature in the prior art.

Claims 2 to 20 are dependent on claim 1 and as such also meet the requirements of the PCT with respect to novelty and inventive step.

Re Item VII**Certain defects in the international application**

Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art disclosed in the document D1 is not mentioned in the description, nor is this document identified therein.

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Although claim 1 is drafted in the two-part form the feature that each handle is cranked adjacent the pivot joint so that the handles are splayed apart with the blades in engagement is incorrectly placed in the characterising portion, as it is disclosed in document D1 in combination with the features placed in the preamble (Rule 6.3(b) PCT).

Re Item VIII**Certain observations on the international application**

With the present wording of claim 4 it sounds as if the releasable grip means were independent of the means to carry a length of tubing. However, the means to carry a length of tubing are the releasable grip means.

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INTERNATIONAL SEARCH REPORT

International Application No
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A. CLASSIFICATION OF SUBJECT MATTER IPC 7 A61B17/28 A61B17/02 A61B17/32		
According to International Patent Classification (IPC) or to both national classification and IPC		
B. FIELDS SEARCHED Minimum documentation searched (classification system followed by classification symbols) IPC 7 A61B		
Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched		
Electronic data base consulted during the international search (name of data base and, where practical, search terms used) EPO-Internal, WPI Data		
C. DOCUMENTS CONSIDERED TO BE RELEVANT		
Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	GB 2 198 647 A (JUNIPER RICHARD) 22 June 1988 (1988-06-22) page 6, paragraph 2 - paragraph 3 page 7, paragraph 2 - paragraph 3 figures 1,4-6 ---	1,3,5-7, 9,10,12
X	US 4 791 925 A (MITTERER DENNIS M) 20 December 1988 (1988-12-20) column 2, line 11 - line 27; figures 1-3 ---	1,2, 18-20
A	US 3 921 641 A (HULKA JAROSLAV FABIAN) 25 November 1975 (1975-11-25) column 1, line 49 -column 2, line 20; figures 1-5 --- -/--	1-3
<input checked="" type="checkbox"/> Further documents are listed in the continuation of box C. <input checked="" type="checkbox"/> Patent family members are listed in annex.		
* Special categories of cited documents : "A" document defining the general state of the art which is not considered to be of particular relevance "E" earlier document but published on or after the international filing date "L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified) "O" document referring to an oral disclosure, use, exhibition or other means "P" document published prior to the international filing date but later than the priority date claimed "T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention "X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone "Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art. "&" document member of the same patent family		
Date of the actual completion of the international search		Date of mailing of the international search report
14 July 2000		20/07/2000
Name and mailing address of the ISA European Patent Office, P.B. 5818 Patentlaan 2 NL - 2280 HV Rijswijk Tel. (+31-70) 340-2040, Tx. 31 651 epo nl, Fax: (+31-70) 340-3016		Authorized officer
		Ducureau, F

INTERNATIONAL SEARCH REPORT

International Application No

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C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	US 4 462 403 A (MARTIN WERNER) 31 July 1984 (1984-07-31) column 1, line 67 -column 2, line 20; figures 1,3 ----	1
A	DE 33 22 741 A (ZEPPELIN DIETER VON) 3 January 1985 (1985-01-03) abstract; figure 1 ----	1,3,5
A	GB 474 126 A (COCO) 26 October 1937 (1937-10-26) claim 1; figures 1,2 -----	1

INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

PCT/IE 00/00052

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
GB 2198647 A	22-06-1988	NONE	
US 4791925 A	20-12-1988	NONE	
US 3921641 A	25-11-1975	NONE	
US 4462403 A	31-07-1984	NONE	
DE 3322741 A	03-01-1985	NONE	
GB 474126 A		NONE	